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FORTY-SIXTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 23, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:15 a.m.

Roll call showed all members present except Senator Pearce, absent and formally excused by the Chair; and Senators Compton, Gannon, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Lana Infanger, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 22, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 22, 2006

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

John V. Evans to the Idaho Energy Resources Authority, term to expire June 30, 2006;

Hyong K. Pak to the Idaho Commission on Human Rights, term to expire July 1, 2008.

BURTENSHAW, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 22, 2006

The AGRICULTURAL AFFAIRS Committee reports out **S 1396** with the recommendation that it do pass.

WILLIAMS, Chairman

S 1396 was filed for second reading.

The President assumed the Chair.

February 22, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **S 1385** and **S 1391** with the recommendation that they do pass.

SCHROEDER, Chairman

S 1385 and **S 1391** were filed for second reading.

February 22, 2006

The JUDICIARY AND RULES Committee reports out **S 1332** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1332** was referred to the Fourteenth Order of Business, General Calendar.

February 22, 2006

The JUDICIARY AND RULES Committee reports out **S 1403** and **S 1397** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1403 and **S 1397** were filed for second reading.

February 22, 2006

The HEALTH AND WELFARE Committee reports out **S 1412** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

COMPTON, Chairman

There being no objection, **S 1412** was referred to the Fourteenth Order of Business, General Calendar.

February 22, 2006

The HEALTH AND WELFARE Committee reports out **S 1413** with the recommendation that it do pass.

COMPTON, Chairman

S 1413 was filed for second reading.

February 23, 2006

The EDUCATION Committee reports out **S 1395** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **S 1395** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

Senator Gannon was recorded present at this order of business.

February 22, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that William A. Swift of Boise, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2005, and expiring July 1, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

February 22, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Susan K. Simmons of Boise, Idaho, was appointed as a member of the Idaho Endowment Fund Investment Board to serve a term commencing February 8, 2006, and expiring April 11, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 22, 2006

Mr. President:

I transmit herewith **HJM 16, H 465, H 514, H 466, HCR 31, H 497, H 483, H 484, H 571, H 591, H 592, H 549, H 550, H 554, H 524, H 525, H 526, H 527, H 528, H 529, H 639, H 582, H 430, H 431, and H 581** which have passed the House.

JUKER, Chief Clerk

HJM 16, H 465, H 514, H 466, HCR 31, H 497, H 483, H 484, H 571, H 591, H 592, H 549, H 550, H 554, H 524, H 525, H 526, H 527, H 528, H 529, H 639, H 582, H 430, H 431, and H 581 were filed for first reading.

February 22, 2006

Mr. President:

I return herewith **S 1255** which has passed the House.

JUKER, Chief Clerk

S 1255 was referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

HJM 16, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 465, H 514, and H 466, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

HCR 31, by Health and Welfare Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

H 497, H 483, and H 484, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 571, H 591, and H 592, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 549, H 550, and H 554, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 524, H 525, H 526, H 527, H 528, H 529, and H 639, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 582, H 430, H 431, and H 581, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

Senators Compton and Sweet were recorded present at this order of business.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 577, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

H 446 and H 448, by Business Committee, were read the second time at length and filed for third reading.

S 1374, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

S 1379, by Education Committee, was read the second time at length and filed for third reading.

H 447, by Business Committee, was read the second time at length and filed for third reading.

H 415 and H 476, by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Schroeder, granted by unanimous consent, **S 1382** retained its place on the Third Reading Calendar for Tuesday, February 28, 2006.

S 1364, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Williams, McKenzie, Langhorst, and McGee arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Harper (Brandt), Hill, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 27.

NAYS--Broadsword, Compton, Davis, Goedde, Jorgenson, Kelly, Keough, Stegner. Total - 8.

Paired and voting included in roll call:

AYE - Pearce NAY - Davis

Total - 35.

Whereupon the President declared **S 1364** passed, title was approved, and the bill ordered transmitted to the House.

S 1337, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Darrington, granted by unanimous consent, **S 1337** retained its place on the Third Reading Calendar for Tuesday, February 28, 2006.

S 1371, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President declared **S 1371** passed, title was approved, and the bill ordered transmitted to the House.

S 1383 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President declared **S 1383** passed, title was approved, and the bill ordered transmitted to the House.

S 1389 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President declared **S 1389** passed, title was approved, and the bill ordered transmitted to the House.

S 1388 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Cameron, Stegner, Compton, and Corder arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Harper (Brandt), Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 25.

NAYS--Andreason, Bunderson, Hill, Jorgenson, Marley, Richardson, Williams. Total - 7.

Absent and excused--Coiner, Gannon, Pearce. Total - 3.

Total - 35.

Whereupon the President declared **S 1388** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:25 p.m. until the hour of 10:30 a.m., Friday, February 24, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary